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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,560	12/01/2000	Oleg Jorgen Anfindsen	1940997US28RE	1840

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EXAMINER

HOMERE, JEAN RAYMOND

ART UNIT PAPER NUMBER

2177

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,560

Applicant(s)

ANFINDSEN, OLEG JORGEN

Examiner

Jean R. Homere

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Defective Oath/Declaration

1. The reissue oath/declaration filed with this application is defective because the error which is relied upon to support the reissue application is not an error upon which a reissue can be based. See 37 CFR 1.175(a)(1) and MPEP § 1414. Applicant alleges that the error, which this reissue is based on, is the failure to recite in the claims of the 5,983,225 patent a specific implementation of the data structures therein or the relationships therebetween. It is respectfully submitted that this alleged error is inadequate to render the letters of the cited patent wholly or partly inoperative or invalid.

2. Claims 1-44 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

3. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Drawings

4. This application has been filed with informal drawings which are acceptable for examination purposes only. Since the instant application was filed after November 29, 2000, the original drawings will not be transferred from the patent to the reissue application. Formal drawings will be required when the application is allowed. See 37 C.F.R. 1.53 and 1.81.

Information Disclosure Statement

5. The information disclosure statement (IDS) submitted on 12/01/00 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information referred to therein has been considered as to the merits.

Amendments

6. The preliminary amendment filed on 05/07/01 is in conformance with 37 C.F.R. 1.173(b)(2). Applicant is however reminded that only the original patent need be submitted in two column format. Amendments can be submitted in ordinary form.

7. Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 5,983,225 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation. Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

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8. Claims 37-44 are rejected under 35 U.S.C. 251 as being improperly broadened in a reissue application made and sworn to by the assignee and not the patentee. A claim is broader in scope than the original claims if it contains within its scope any conceivable product or process which would have infringed the original patent. A claim is broadened if it is broader in any one respect even though it may be narrower in other respects.

9. Claims 37-44 are broader in scope than claims 1-9 of patent no. 5,983,225. In particular, claims 37-44 do not recite the limitation of a subset of granted and pending parameterized resource lock requests that are utilized to determine when a resource lock request is conditionally or unconditionally conflicting with any granted resource lock request. This limitation, presently omitted in this reissue application, was relied upon in the parent application to patentably distinguish claims 1-9 of cited patent from the prior art of record, as indicated in the reason for allowance mailed on 5/5/1999, paper no. 3. Consequently, Applicant has improperly sought to broaden claims 1-9 of the cited patent through the omission of the cited limitation from claims 37-44.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

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(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

11. Claims 37-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolff, US Patent no. 6,009,427.

As to claim 37, Wolff discloses a distributed database management system for managing lock of resources provided thereon (col. 2, line 66- col. 3, line 2 et seq.) In particular, Wolff discloses a first table (fig.9, item 804A-1 et seq.) for storing information of a requested pending or granted lock (col. 3, lines 4-6 et seq.), wherein said first table includes a field for storing an access mode of a resource (fig. 9A, item 860 et seq.); a field for storing the ID of a transaction associated with the first data structure (fig. 9A, item 858 et seq.); a field for storing parameters of a data reliability classification (). Further, Wolff discloses a second table (fig. 9A, item 804A-2 et seq.) for storing second information regarding the requested lock, wherein said second table includes a field for storing ID of a lockable resource (fig.9A, item 862 et seq.); a field for storing references to the first data structure (fig. 9A, Record Number / Index Name fields et seq.) Additionally, Wolff discloses a third table (fig. 9A, item 804A-3 et seq.) for storing a third data structure, wherein said third table includes a field for storing data that references the second data structure ((fig. 9A, Record Number / Index Name fields et seq.)

As to claim 38, Wolff discloses a field for storing aggregated read and write parameters of the first table referencing the second table (fig. 9A, Record Number / Index Name fields et seq.)

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As to claims 39-40, Wolff discloses a field for storing identification of a most restrictive access mode of a lockable resource (fig. 10, item 804 et seq.)

12. The limitations of claims 41-44 have already been addressed in the discussion of claims 37-40 above. Therefore, they are rejected on similar grounds.

Allowable Subject Matter

13. The prior art of record fails to fairly teach or suggest the limitation of a subset of granted and pending parameterized resource lock requests that are utilized to determine when a resource lock request is conditionally or unconditionally conflicting with any granted resource lock request, as recited in claims 1-36. Consequently, claims 1-36 are allowable over the prior art of record.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

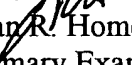
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean R. Homere whose telephone number is (703)-308-6647. The examiner can normally be reached on Monday-Friday from 09:30 a.m.-6:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on Monday-Friday from 8:00 a.m. to 3:30 p.m. at (703)-305-9790.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks Washington, D.C. 20231, or faxed to: (703) 746-7239, (for formal communications intended for entry), or faxed to: (703) 746-7238, (for after final communications intended for entry), Or: (703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT"). Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Jean R. Homere
Primary Examiner
Art Unit 2177

jrh
September 19, 2002